

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Joel Vangheluwe and Jerome
Vangheluwe,

Plaintiffs,

v.

GotNews, LLC, Freedom Daily,
LLC, Charles C. Johnson, Alberto
Waisman, Jeffrey Rainforth, Jim
Hoft, David Petersen, Jonathan Spiel,
Shirley Husar, Eduardo Doitteau,
Lita Coulthart-Villanueva, Kenneth
Strawn, Patrick Lehnhoff, Beth
Eyestone, Lori Twohy, Raechel
Hitchye, James Christopher Hastey,
Christopher Jones, Connie Comeaux,
Gavin McInnes, Richard Weikart,
and Paul Nehlen,

Defendants.

Case No. : 2:18-cv-10542-LJM-EAS

Hon. Laurie J. Michelson
Mag. Elizabeth A. Stafford

**PLAINTIFFS' RESPONSE TO DEFENDANTS GOTNEWS, LLC'S AND
CHARLES JOHNSON'S MOTION TO EXTEND TIME TO FILE AN
ANSWER OR RESPONSE TO THE COMPLAINT**

COME NOW Plaintiffs Joel Vangheluwe and Jerome Vangheluwe, and serve
their Response to Defendants GotNews, LLC's and Charles Johnson's Motion to
Extend Time to File an Answer or Response to the Complaint.

**I. THE ISSUE IS MOOT SINCE THE COURT ALREADY GRANTED
DEFENDANTS MORE TIME.**

This Court has already extended time for all Defendants to answer and/or
respond to this lawsuit by its latest Order requiring Plaintiffs to confer with each

Defendant when they appear. (See *Exhibit A*). The Plaintiffs and Defendants have scheduled the meet and confer required by this Court's order (See *Exhibit A*) to occur on Tuesday, May 22, 2018. (See *Exhibit B*). Defendants' answer or response to the First Amended Complaint will be due on June 12, 2018. This Court should not extend that deadline any further, as it will prejudice Plaintiffs' ability to conduct discovery on these very Defendants.

II. PLAINTIFFS WILL BE PREJUDICED IF MORE TIME IS GIVEN

Plaintiffs have one year to file a lawsuit against all Defendants. See Mich. Comp. Law § 600.5805. The defamatory statements were first made on August 12, 2017. Defendant Charles Johnson, through his counsel, has claimed that Mr. Johnson was not the author of the defamation statements published in the GotNews article made the basis of this suit. This defamatory article asserted that Plaintiff Joel Vangheluwe is a murderer and a terrorist. Defendant Johnson, through his attorney, claims another person made those statements, but he refuses to reveal who that person may be. GotNews also claims to have gotten this information from "a source," but again it refuses to reveal that person's identity. Defendants' counsel has made clear he intends to "run out the clock" on Plaintiffs' claims by not revealing the identity of the author of the defamation statements or revealing GotNews' source of the information until after the statute of limitations has expired.

By filing a myriad of time-consuming preliminary motions, briefing schedules

and rulings, these Defendants hope to pass the one-year deadline for Plaintiffs to sue these other potential defendants. By asking for additional time, Defendants clearly are attempting to assure the clock has run on Plaintiffs' claims. Once it is too late to add additional defendants, these Defendants will then identify the potential third parties and blame them for Plaintiffs' injuries. Plaintiffs ask this Court not to allow that to happen.

Because no discovery issues are at issue with regard to the other Defendants who have answered in this lawsuit, Plaintiffs' counsel has granted the other Defendants an extension by which to answer the lawsuit to all who have requested.

III. DEFENSE COUNSEL'S UNETHICAL BEHAVIOR?

Defendants make an outrageous statement in their Motion by claiming Plaintiffs' counsel asked Defendants to act unethically. Amazingly, Defendants fail to reveal this alleged unethical act.

Plaintiffs' counsel did ask Mr. Randazza (Counsel for Defendants) to simply provide the name of the author of the article. See ***Exhibit C***. If he did so, Plaintiffs' concern about agreeing to an extension would be satisfied. Defendants' counsel refused, claiming by doing so he could committing be an unethical act, giving no further explanation. *Id.*

Plaintiffs are asking for the identity of the person Defendant Johnson claims will exonerate him. How can counsel for Defendant Johnson be placed in an

unethical position by revealing the name of the person he claims will exonerate him?

What has defense counsel gotten himself into?

IV. REMEDY

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request this Court declare this matter moot by denying Defendants GotNews, LLC's and Charles Johnson's Motion to Extend Time to file an Answer or Response to the Company since it has already given Defendants ample additional time by this Court's previous Order. See *Exhibit A*. Plaintiffs also pray, in the alternative, that Defendants' Motion be granted so long as Defendants be ordered to identify the author of the GotNews article.

Respectfully submitted,

SOMMERMAN, McCAFFITY
& QUESADA, L.L.P.

/s/ Andrew B. Sommerman
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AND

**KIRK, HUTH, LANGE
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Dated: May 18, 2018

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CERTIFICATE OF SERVICE

The undersigned certifies that on May 18, 2018, the foregoing Response to Defendants GotNews and Charles Johnson's Motion to Extend Time to File an Answer or Response to the Complaint was served via ECF on counsel of record who have appeared in the case.

/s/ Andrew B. Sommerman

Andrew B. Sommerman